

STATE BOARD OF ELECTION COMMISSIONERS

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501 Woodlane, Suite 401N
Little Rock, Arkansas 72201
(501) 682-1834 or (800) 411-6996



Susie Stormes
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Justin Clay
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2013 LEGISLATIVE SUMMARIES

Act 236 – Clarifies that ballot stubs are delivered to the county treasurer at poll closing, the treasurer keeps the stubs for 20 days in an “appropriately marked” and sealed container, and then the stubs are to be kept in a secure storage facility for 2 years, after which they may be destroyed.

Act 277 – Allows the Secretary of State to establish guidelines for administering grants from the County Voting System Grant Fund.

Act 313 – Sets the filing deadline for candidates in city administrator form cities at 75 (instead of 70) days before the election.

Act 314 – Provides for the board of directors in *city manager* cities to redistrict wards, instead of the county election commission.

Act 378 – Provides that an elected county official who resigns during the official’s term in office cannot be appointed to any county office during that term.

Act 443 – Sets January 31 as the annual filing deadline for county election commission members’ reports of sales of goods and services to a governmental entity and requires Secretary of State to provide by rule for the “form... and ... procedure for the disclosure.” Reports for calendar year 2012 are due by September 1, 2013.

Act 466 – Requires the county clerk to accept an absentee ballot of a voter who dies before the opening of polls on election day if the ballot is properly cast before the date of death. This changes the rule that the vote of an absentee voter who dies before election day cannot be counted.

Act 503 – Requires each city to maintain a record of the numbered post each alderman holds and clarifies that candidates for alderman in incorporated towns must list the number of the position sought on the candidate petition.

Act 546 – Allows posted notice rather than mailed notice to voters when polling sites are changed within 15 days of an election due to an emergency.

Act 558 - Clarification of certain school board election issues:

- (1) Provides for a school board of directors to hold its organizational meeting after the certification of the results of the school election or runoff, if held; and
- (2) Sets a one-term limitation on holdovers so that a holdover officer must file and run for re-election after the holdover term or the office is vacant.

Act 580 – Provides that unopposed candidates in special primaries are to be certified as elected and the special primary not held.

Act 595 – The voter ID bill:

- (1) Requires voters **at the polls** to show “proof of identity”, which is a document or identification card issued by the United States, the State of Arkansas or an accredited postsecondary educational institution in the State of Arkansas that shows the name and photograph of the person to whom it was issued and, if it displays an expiration date, is either not expired or expired no more than four years before the date of the election in which the person seeks to vote.

EXCEPTION: Voters who reside in a long-term care or residential care facility licensed by the state may show documentation from the administrator attesting that the voter is a resident of the facility instead of proof of identity.

ADDITIONAL REQUIREMENT FOR CERTAIN FIRST-TIME VOTERS:

First-time voters who register by mail and who show a valid proof of identity that *is not current and valid* (an expired driver’s license, for instance) must *also* show a current and valid photo identification (this could be a current and valid college ID card, for instance) OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. These voter should be flagged “must show ID” on the voter list.

EXCEPTIONS TO THE ADDITIONAL REQUIREMENT FOR CERTAIN FIRST-TIME VOTERS:

The following first-time voters who register by mail should not show up on the voter list with a “must show ID” designation:

- (A) First-time voters whose applications are transmitted by state or federal voter registration agencies;
- (B) First-time voters covered by the Voting Accessibility for the Elderly and Handicapped Act (age 65 and older and/or having a temporary or permanent physical disability).
- (C) First-time voters who include a copy of a current and valid photo identification OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter with their registration application; and
- (D) First-time voters who submit a driver’s license number or the last four digits of their Social security Number on their registration application.

(2) Requires **absentee voters** to include a copy of a current and valid photo identification OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter with absentee ballots.

EXCEPTIONS:

- (1) Military and merchant marine voters and their families who are away from the county because of the active duty status of a military or merchant marine member (not required to include any form of voter ID with their absentee ballots);
- (2) Voters who reside in a long-term care or residential care facility licensed by the state (However, if these voters do not provide one of the forms of identification documentation listed above, they must provide a copy of documentation from the administrator attesting that the voter is a resident of the facility).

The ballots of non-exempt absentee voters who fail to provide a proper identifying document with their absentee ballot will not be counted.

(3) Requires poll workers to allow a voter without proof of identity to cast a provisional ballot.

(4) Requires the county election commission to count such a provisional ballot *if* the voter has not been successfully challenged for another reason besides the failure to show proof of identity at the poll *and* provides either:

- (A) Proof of identity to the county election commission or the county clerk by noon on the sixth day after the election; or
- (B) An affidavit to the county election commission or the county clerk by noon on the sixth day after the election that the voter is indigent or has a religious objection to being photographed.

(5) Provides for the Secretary of State to furnish each county clerk with equipment so that the county clerk can provide free ID to any voter who signs an oath that he/she does not have proof of identity.

[Act 724](#) – Defines “infamous crime” that disqualifies a person from office as being any felony and certain enumerated misdemeanors. The act also provides legislative commentary suggesting the courts follow certain guidelines, set out in the act, to determine what may be considered to be “infamous crimes” in future cases.

[Act 753](#) – Sets out who may act as mayor when the elected mayor is unable to perform his/her duties or is missing.

[Act 968](#) - Provides that school boards must re-draw electoral zones for board elections 100 (instead of 90) days before the second election after the release of the census.

[Act 977](#) – Allows the Secretary of State to designate a person to chair SBEC meetings in his absence.

[Act 978](#) – Provides for:

- Filling a vacancy in an aldermanic position in an incorporated town by election by the town council to fulfill the term; and
- Provides for filling vacancies in the office of mayor first by election by council, then in a special election.

[Act 979](#) – Requires the county clerk to electronically record **early** votes within 24 hours except for votes cast on Friday or Saturday, which may be recoded the next Monday.

[Act 1018](#) – Provides for local option “wet/dry” elections in “defunct voting districts”. “Defunct voting districts” are precincts or townships in wet counties that were once voted dry but no longer exist in the same form because of boundary changes. The act requires the county election commission to issue a “resolution” that includes a map identifying the boundaries of the defunct voting district within 30 days of a request of any resident of the county to do so. The boundaries are to be determined from state, county, municipal records or other records and the county election commission may consult with state and local officials for assistance. If a sufficient petition is submitted to vote the defunct voting district “wet” the county clerk calls the election by “resolution” for a Tuesday not less than 60 days after the clerk’s resolution. The county board publishes the resolution and conducts the election. There are also provisions for overlapping defunct voting districts and defunct voting districts within defunct voting districts. Elections in more than one defunct voting district can be held simultaneously or on different dates. Subsequent elections cannot be held for two years. The cost of the election is borne by the county.

[Act 1058](#) – Requires the county election commission to declare preliminary and unofficial results on election night (current law requires this declaration “immediately after the count is complete) for state and federal elections, including a count of outstanding UOCAVA ballots and provisional ballots. The act also requires the county election commission to transmit the results *by precinct* (instead of by poll) to the Secretary of State via the Secretary of State election night reporting interface. The transmission to the Secretary of State can be done by the county clerk by agreement with the county election commission (previous law required the clerk to transmit to SOS).

[Act 1059](#) – Same as act 979 – regards recording of early votes by clerk.

[Act 1066](#) - Provides that a person may file for only one municipal office during the municipal office filing period (see Act 1071).

[Act 1075](#) – Allows a candidate for circuit or district judge to use “Judge” as a title on the ballot if that candidate currently holds a judgeship and was elected to the judgeship at the previous election *or* has held the office as an appointee for at least one year (previously, candidates could use “Judge” only if elected as a judge).

[Act 1087](#) – Community college tax election: provides for the quorum court to call an election to extend a millage to support a community college.

[Act 1110](#) – Makes prosecutors non-partisan offices and provides for their election at the same time as judges (May general election, November runoff election).

Act 1118 – Provides “expanded” charitable immunity to churches when used as polls. Churches will be liable for damages (in a slip and fall, for instance) only to the extent of any insurance coverage they carry.

Act 1211 –Precincts and early/ absentee vote counting

- (1) Caps precinct size at 3000 registered voters and requires county election commissions to redraw precincts that contain more than 3000 voters and produce a digital map of the new boundaries;
- (2) Requires county clerks to submit copies of the new maps to the Secretary of State and state Geographic Information Office;
- (3) Requires the county election commission to count early and absentee votes before the close of polls (without printing, posting or releasing results) before the polls close;
- (4) Requires the county election commission to report by precinct the initial count of early and absentee votes no later than 30 minutes after the polls close; and
- (5) Requires the county election commission to show precinct results in the certification it files with the county clerk.

Act 1215 – Clarifies that paper ballots counted by hand may be used instead of machines in no-poll school elections.

Act 1261 – Makes it a felony to destroy the following before legally allowed:

- A ballot that was completed, cast, abandoned or spoiled
- A ballot stub from a ballot that was completed, cast, abandoned or spoiled
- A completed voter statement
- An envelope that contains a ballot
- An affidavit provided to the county clerk
- An absentee ballot list
- An absentee ballot application
- A list of absentee ballot applications prepared under 7-5-408
- Any other ballot related material

“Ballot related material” is material “provided to a person representing himself or herself as the voter or his or her agent by a county clerk, member of a county board of election commissioners, or a poll worker and returned by the person ... or agent for the purpose of voting in an election.”

The penalty for violation is at least a one-year jail term and a fine of up to \$10,000.

Act 1286 – Addresses filing for judicial office

- District judges file with Secretary of State (district judges formerly filed with the county clerk)
- Filing period (for filing by paying **fee**) begins at *3pm* on the first day of the party filing period and ends at *3pm* on the last day
- **Petition** filing begins at noon, 53 days (instead of 46 days) before the first day of the party filing period and ends at noon forty six days (instead of 32 days) before the first day of the party filing period.
- Secretary of State has 45 days (instead of 30) to determine whether a petition has sufficient signatures
- Clarifies that **write-ins** give notice of candidacy to all county election commissions in the judicial district (all counties for a Supreme Court race) *and* the Secretary of State.
- Secretary of State certifies the form of all judicial candidate names to ballot

Act 1291 – Changes petition requirement for city manager form cities to go back to mayor/council form to base the number of signatures required on last election for mayor (instead of collective results of all director races).

Act 1297 – Allows the use of electronic poll books.

Act 1325 – Provides that a mayor cannot veto the election by a city council to fill a vacancy in an alderman position.

Act 1356 – Requires:

- (1) Independent candidates (non-municipal and non-presidential) to file petitions during the party filing period (instead of May 1)
- (2) New parties to file their petitions for new party status 60 days before the party filing period (instead of 45 days before the date of the preferential primary) and for new party candidates to file for office during the party filing period (instead of by the date of the preferential primary). Note that new party candidates must be selected by convention.

Act 1389 – Allows either the county clerk or the county election commission to establish vote centers. This would be optional for any county.

Defines “vote center” as an election day poll where any voter in the county may vote.

The act gives a quorum court the *option* (it’s not required) to authorize vote centers by ordinance if the county clerk determines that secure electronic connections are available to prevent voters from voting more than once and to prevent unauthorized access to an electronic poll book.

The Secretary of State will promulgate rules regarding electronic poll books and the secure electronic connections that are required to operate a vote center.

Act 1413 – This act regulates petitions for initiatives and referenda by placing certain requirements on petition signers, petition forms, paid canvassers and sponsors. Among many

other significant provisions, it requires paid canvassers to register with the Secretary of State and clarifies the crimes for soliciting and making fraudulent signatures.

Act 1424 – Addresses absentee voting and assistants at the polls:

- **Provides that ballots “received or returned” by a bearer/ agent/administrator must be treated as provisional ballots if the bearer/agent/administrator’s name and address printed on the return envelope by the county clerk (a new requirement) does not match that information on the voter statement;**
- **Provides that ballots “received or returned” by a bearer/ agent/administrator cannot be counted if the bearer/agent/administrator is not named on the voter statement.**
- Requires the county clerk to “post a notice of the rules concerning designated bearers and authorized agents ... where absentee ballots are distributed or returned;”
- Changes the oath on the bearer/agent register;
- Requires administrators to specifically be identified by name and facility on the absentee ballot application;
- Requires administrators to show photo identification in order to receive ballots for residents of the facility;
- Requires additional information in the Administrator’s affidavit;
- **Prohibits the county clerk from sending absentee ballot unless the applicant’s signature on the absentee ballot application is similar to the voter’s signature in the voter registration system (prior law allowed sending a ballot if the clerk was “satisfied” that the applicant was a registered voter);**
- Requires the county clerk to follow certain steps under certain deadlines in the electronic voter registration system regarding absentee ballots (7-5-408, Section 5 of the Act);
- Provides for a space on the voter statement for the *printed* name of bearers/agents/administrators (instead of just the signature);
- **Requires the clerk to submit a written ballot accounting for absentee ballots to the election commission;**

Act 1456 – Requires the State Board of Election Commissioners to have at least one monitor in each of the state’s four congressional districts;

Act 1457 – Requires all poll workers at each polling site to be trained;

Act 1461 – Clarifies who may be in the polls on election day.

Act 1471 – Provides that a person may run for only one state, county or municipal office when the elections are held on the same day.